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6 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA, )  
9 Plaintiff, ) Case No.: 2:04-CR-365-PMP-VCF  
10 vs. ) GOVERNMENT'S RESPONSE TO  
11 MIRANDA WILLIAMS, ) DEFENDANT'S MOTION FOR EARLY  
12 Defendant. ) TERMINATION OF SUPERVISED  
 ) RELEASE (CR # 452)  
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14 Certification: This response is timely filed.

15 COMES NOW the United States of America, by and through Daniel G. Bogden, United  
16 States Attorney, and J. Gregory Damm, Assistant United States Attorney, and hereby submits the  
17 GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR EARLY  
18 TERMINATION OF SUPERVISED RELEASE (CR # 452).

19 The government objects to the defendant's request for early termination of supervised  
20 release due to the defendant's conduct while on pretrial release, her conduct on supervised  
21 release and her failure to make any meaningful restitution payments. The Ninth Circuit Court of  
22 Appeals has recently held that:

23 Our decisions "have repeatedly held that a district court enjoys significant discretion in  
24 crafting terms of supervised release for criminal defendants." *United States v. Weber*, 451 F.3d  
552, 557 (9th Cir.2006). Consistent with a district court's broad discretion in imposing terms of  
supervised release, the language of § 3583(e) gives district courts broad discretion in determining

1 whether to grant a motion to terminate supervised release. 18 U.S.C. § 3583(e)(1); *United States*  
2 v. *Hook*, 471 F.3d 766, 771 (7th Cir.2006). We therefore review the district court's decision for  
abuse of discretion. See *United States v. Townsend*, 98 F.3d 510, 512 (9th Cir.1996); *United*  
*States v. Lowe*, 632 F.3d 996, 997 (7th Cir.2011).

4 *U.S. v. Emmett*, 749 F.3d 817, 819 (9<sup>th</sup> Cir. 2014).

5 Pretrial Release

6 While on pretrial release a warrant was issued on July 20, 2005, for the defendant's arrest  
7 due to alleged violations of pretrial release conditions. CR # 94. On July 25, 2005, the  
8 defendant was detained. CR # 97 & 99. On August 2, 2005, the defendant's pretrial release was  
9 revoked and she was ordered detained pending trial. CR # 103 & 104. The defendant plead  
10 guilty on August 19, 2005. CR # 110. On December 21, 2005, this court denied the defendant's  
11 request to reconsider her detention pending sentencing. CR # 147. On January 27, 2006, the  
12 defendant was sentenced to 13-months custody, 3-years of supervised release and \$114,003.17 in  
13 restitution. CR # 168 & 170.

14 Supervised Release

15 On May 29, 2008, the defendant's first warrant of arrest was issued for violations of  
16 pretrial release conditions. CR # 305. On July 14, 2008, the defendant was found to have  
17 violated her terms and conditions of pretrial release, but was returned to supervision under  
18 additional conditions. CR # 329.

19 On August 13, 2008, another warrant of arrest was sought for the defendant's violations  
20 of Supervised Release. CR # 336. On September 2, 2008, the defendant was released again on  
21 supervised release conditions with instructions to report to U.S. Probation for a drug test. CR #  
22 348.

23 On September 3, 2008, another warrant of arrest was sought for the defendant's  
24 violations of supervised release conditions. CR # 344. On September 5, 2008, at an initial

1 appearance on this alleged supervised release allegation, the defendant was detained. CR # 350.  
2 On September 30, 2008, the defendant's supervised release was revoked and she was sentenced  
3 to 11-months in custody with 25-months of supervised release to follow. CR # 357.

4 On September 15, 2009, another warrant was requested for the defendant's arrest for  
5 violation of supervised release conditions. CR # 387. On March 15, 2010, the defendant  
6 admitted a violation of her supervised release conditions, but was reinstated on supervised  
7 release. CR # 400.

8 On February 2, 2011, another warrant of arrest was sought for alleged violations of the  
9 defendant's terms and conditions of supervised release. CR # 403. On February 10, 2011, the  
10 defendant was released pending her final revocation hearing. CR # 406. A revocation hearing  
11 was set for February 28, 2011, but the defendant did not appear at this hearing. CR # 417. A  
12 new warrant of arrest was issued for the defendant's failure to appear at the hearing.

13 On September 20, 2012, the defendant had an initial appearance on the previous warrant  
14 issued on February 28, 2011. The defendant was detained. CR # 436. On October 12, 2012, the  
15 defendant admitted a violation of her supervised release conditions; her supervised release was  
16 revoked; and she was sentenced to 7-months in custody with 18-months of supervised release to  
17 follow. CR # 441, 442 & 443.

18 On August 4, 2014, the defendant filed the instant motion for early termination of  
19 supervised release. CR # 452.

20 Restitution Payments

21 Since her sentencing on January 27, 2006, the defendant has only made four restitution  
22 payments totaling \$240. The payments are as follows:

23 03/27/2007 \$50.

24 02/03/2010 \$150.00

1 04/29/2014

\$20

2 08/05/2014

\$20 (Payment one-day after defendant's current motion filed.)

3 The defendant's current restitution balance is \$108,868.66.

4 **CONCLUSION**

5 The district court need not give an elaborate explanation of its reasons for rejecting a  
6 defendant's motion for early termination of supervised release, but the record as a whole must  
7 contain an explanation that would permit meaningful appellate review and justify the court's  
8 conclusions. *U.S. v. Emmett*, 749 F.3d 817, 821-822 (9<sup>th</sup> Cir. 2014). Here the defendant's  
9 multiple program failures amply demonstrate the need for continued supervision for as long as  
10 possible. U.S. Probation oversight should be viewed by the defendant as a resource to help her  
11 continue in a positive direction. Insufficient justification has been offered by the defendant as to  
12 the need for release from supervision at this time. Based upon the defendant's prior history, the  
13 possibility of re-offending is very great. The government feels strongly that continued  
14 supervision until the expiration of her supervised release term would be in the best interest of the  
15 defendant and society.

16 For all of the foregoing reasons, it is respectfully requested that the defendant Williams'  
17 MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE (CR # 452) be denied.

18 DATED this 26th day of August, 2014.

19 Respectfully submitted,

20 DANIEL G. BOGDEN  
United States Attorney

22 /s/ J. Gregory Damm

23 J. GREGORY DAMM  
Assistant United States Attorney

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2                   Certificate of Service  
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4                   I, J. Gregory Damm, hereby certify that I am an employee of the United States  
5 Department of Justice, and that on this day I served a copy of the following:  
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7                   GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR EARLY  
8 TERMINATION OF SUPERVISED RELEASE (CR # 452), upon counsel for all defendants  
9 appearing in this matter via the CM/ECF system.  
10

11                  Dated:       August 26<sup>th</sup>, 2014  
12

13                  /s/     J. Gregory Damm  
14                  J. Gregory Damm  
15                  Assistant United States Attorney  
16                  District of Nevada  
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